

Senate bill No. 28, to the Committee on Judicial Districts.

Senate bill No. 63, to the Committee on Appropriations.

Senate bill No. 82, to the Committee on Public Land and Buildings.

Senate bill No. 107, to the Judiciary Committee.

Senate bill No. 108, to the Judiciary Committee.

Senate bill No. 114, to the Committee on Banks and Banking.

Senate bills Nos. 117, 118, 120, 121, 122, 123 and 124, to the Judiciary Committee.

Senate bill No. 145, to the Committee on Live Stock and Stock Raising.

Senate bill No. 172, to the Committee on Banks and Banking.

Senate bill No. 85, to the Committee on Judicial Districts.

Senate bill No. 98, to the Committee on Education.

Senate bill No. 106, to the Judiciary Committee.

Senate bill No. 184, to the Committee on Banks and Banking.

Senate bill No. 275, to the Committee on Municipal and Private Corporations.

#### ADJOURNMENT.

On motion of Mr. Kemble, the House, at 1:10 o'clock p. m., adjourned until 9:30 o'clock a. m. next Monday.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Constitutional Amendments: House joint resolution No. 3.

Eleemosynary Institutions: House bill No. 399.

Game and Fisheries: Senate bill No. 83.

Common Carriers: House bill No. 9.

Highways and Motor Traffic: House bill No. 404.

Municipal and Private Corporations: House bill No. 153.

Privileges, Suffrage and Elections: House bill No. 312.

Insurance: House bill No. 160.

Criminal Jurisprudence: House bills Nos. 375, 200, 385, 148.

The following committees have today filed adverse reports on bills as follows:

Education: Senate bill No. 46.

Insurance: House bill No. 184.  
Constitutional Amendments: House joint resolution No. 13.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 189, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925, so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000 or more may have,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to amend Article 7125 of the Revised Civil Statutes of 1925 so as to exempt estates upon which inheritance taxes have been levied within five years from date of second passage of said estates, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

#### FOURTEENTH DAY.

(Monday, January 28, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.

Ackerman.

Albritton.

Anderson.

Avis.

Baker.

Baldwin.

Barnett.

Bateman.

Beck.

Bond.

Bounds.

Bradley.

Brice.

Carpenter.

Chastain.

Coltrin.

Conway.

Cox of Navarro.

Cox of Lamar.

Cox of Limestone.

Davis.

DeWolfe.	Montgomery.
Dunlap.	Moore.
Duvall.	Mosely.
Enderby.	Mullally.
Ewing.	Murphy.
Eickenroht.	Negley.
Finn.	Nicholson.
Finlay.	Olsen.
Forbes.	O'Neill.
Fuchs.	Palmer.
Gerron.	Patterson.
Gilbert.	Pavlica.
Giles.	Petsch.
Graves	Pool.
of Williamson.	Pope of Jones.
Graves of Erath.	Pope of Nueces.
Hardy.	Prendergast.
Harding.	Purl.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Reader.
Heaton.	Reid.
Hefley.	Renfro.
Hines.	Richardson.
Hogg.	Rountree.
Holder.	Sanders.
Hopkins.	Savage.
Hornaday.	Sherrill.
Hubbard.	Shipman.
Jenkins.	Simmons.
Johnson	Sinks.
of Dimmit.	Smith.
Johnson of Smith.	Snelgrove.
Johnson of Scurry.	Speck.
Jones.	Stephens.
Justiss.	Stevenson.
Keeton.	Storey.
Keller.	Strong.
Kemble.	Tarwater.
Kennedy.	Thompson.
Kincaid.	Thurmond.
King.	Tillotson.
Land.	Turner.
Lee.	Van Zandt.
Lemens.	Veatch.
Long of Houston.	Waddell.
Long of Wichita.	Wallace.
Loy.	Walters.
Mankin.	Warwick.
Mauritz.	Webb.
Maynard.	White.
McCombs.	Williams
McDonald.	of Sabine.
McGill.	Williams
McKean.	of Travis.
Mehl.	Woodall.
Metcalfe.	Woodruff.
Minor.	Young.

Absent.

Gates.

Absent—Excused.

Acker.  
Adkins.  
Brooks.  
Kayton.

Kenyon.  
Kinnear.  
Martin.  
Morse.

Rogers.  
Shaver.  
Shelton.  
Westbrook.

Wiggs.  
Williams  
of Hardin.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Shaver for today, on motion of Mr. Petsch.

Mr. Shelton and Mr. Kinnear for today, on motion of Mr. Kincaid.

Mr. Wiggs for today, on motion of Mr. Turner.

Mr. Morse for today, on motion of Mr. Patterson.

Mr. Kenyon for today, on motion of Mrs. Moore.

Mr. Martin and Mr. Westbrook for today, on motion of Mr. Baldwin.

Mr. Brooks for today, on motion of Mr. Storey.

Mr. Adkins for today, on motion of Mr. Kayton.

Mr. Rogers for today and the balance of the week, on motion Mr. Bateman.

The following member was granted leave of absence on account of illness:

Mr. Williams of Hardin for today, on motion of Mr. Quinn.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Graves of Erath:

H. B. No. 454, A bill to be entitled "An Act amending Article 878 of the 1925 Penal Code, amended by House bill No. 71, Chapter 222, page 326, Regular Session of the Fortieth Legislature, so as to change the dividing line between the north and south hunting zones of this State and providing for which portion of the State shall be in each zone; amending Section 1, Article 879, of House bill No. 161, Chapter 215, page 316, Regular Session of the Fortieth Legislature, so as to define the open season on doves in the north zone and south zone, excepting certain counties therefrom."

Referred to Committee on State Affairs.

By Mr. Jones:

H. B. No. 455, A bill to be entitled "An Act to create LaSalle County water improvement district No. 1, embracing lands in the county of LaSalle, in the State of Texas, as a water improvement district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries."

Referred to Committee on Conservation and Reclamation.

By Mr. Johnson of Dimmit:

H. B. No. 456, A bill to be entitled "An Act to amend Article 5734 of the Revised Civil Statutes of Texas of 1925, so as to include a standard weight for green corn (roasting ears) per bushel, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Anderson:

H. B. No. 457, A bill to be entitled "An Act to amend Article 2943 of Chapter 3, Title 50, of the Revised Civil Statutes of Texas of 1925, regulating the pay of judges and clerks of general and special elections; and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Hornaday:

H. B. No. 458, A bill to be entitled "An Act to create La Feria water control and improvement district, Cameron county number three (3) in Cameron county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general and ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all

such orders and their record legal evidence; providing that proof of publication of constitutional notice required in the enactment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act; and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Montgomery:

H. B. No. 459, A bill to be entitled "An Act to create Hidalgo county water control and improvement district No. 6, in Hidalgo county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating and approving the election held in said district on March 21, 1927, for the confirmation of the formation of said district and the issuance of fifty thousand dollars in preliminary bonds and the levy of a tax in payment thereof; validating and approving the election held within said district on August 27, 1927, for the issuance of bonds in an amount not to exceed one million, six hundred thousand dollars and levying of tax in payment thereof; evidencing proof of the publication of constitutional notice required in such cases; and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. McGill:

H. B. No. 460, A bill to be entitled "An Act exempting the proceeds of any policy of life insurance, including the cash value thereof, from execution or liability to any creditor of the insured."

Referred to Committee on Insurance.

By Mr. Hogg:

H. B. No. 461, A bill to be entitled "An Act to prohibit the building, construction, extension, operation or maintenance of any pipe line leading into the waters of the Gulf of Mexico, which pipe line is used or designed to be used for transporting, handling, loading, unloading or discharging oil, gas or any derivative of oil or gas, or any other product or commodity susceptible of being transported into tanks, ships, vessels, barges or any water craft or any agency for loading water craft, and providing a penalty and imposing upon the Attorney General of Texas the duty of bringing timely suit to prevent and restrain the violation of this law, and fixing the jurisdiction and venue of such actions, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Hardy:

H. B. No. 462. A bill to be entitled "An Act to amend Articles 5473 and 5474, Chapter III, Title 90, of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Hardy:

H. B. No. 463. A bill to be entitled "An Act to authorize the recovery of a penalty of ten per cent of the amount demanded and also reasonable attorneys' fees in all civil suits in which the plaintiff recovers the full amount for which demand, if any, was made, whenever it shall be made to appear in the pleading and evidence of the plaintiff, and the court or jury shall find, that the defendant at the time of the trial is financially able to pay the amount so demanded and that his defense of suit is not based on a good faith belief on the part of the defendant or his attorneys in the cause that the plaintiff ought not to recover the full amount as so demanded, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Quinn, Mr. Nicholson, Mr. Kinnear and Mr. Smith:

H. B. No. 464. A bill to be entitled "An Act to permit voting in any election by heads of State departments, United States Senators and Congressmen from Texas, and persons in the diplomatic and consular service of the United States temporarily absent."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Albritton, Mr. Kennedy, Mr. Olsen and Mr. Snelgrove:

H. B. No. 465. A bill to be entitled "An Act to amend Title 11, Chapter 6-A (6a), Article 5884qq of the Penal Code of the Revised Civil Statutes of the State of Texas, so as to provide adequate and proper punishment for the violation of said chapter, same being the state-wide intoxicating liquor prohibition."

Referred to Committee on Criminal Jurisprudence.

By Mr. Graves of Erath and Mr. Graves of Williamson:

H. B. No. 466. A bill to be entitled "An Act to amend Article 691 of the Penal Code of Texas as revised in 1925, so as to allow a search warrant to issue

in certain instances upon information and belief of two credible persons."

Referred to Committee on Criminal Jurisprudence.

By Mr. McCombs:

H. B. No. 467. A bill to be entitled "An Act providing for the more efficient collection of delinquent taxes by preventing a multiplicity of suits by different corporations to collect taxes against the same property, and to prevent the filing of suits to collect subsequent taxes during the redemption period allowed by law, by amending Chapter 10 of Title 122 of Vernon's Revised Statutes of Texas, 1925, by adding thereto Article 7328-A, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Johnson of Smith:

H. B. No. 468. A bill to be entitled "An Act providing for equalizing educational opportunities for all the children of Texas, and for the further purpose of complying with the constitutional demand that an efficient system of public free schools be established by the Legislature of Texas; and declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for the purpose of promoting the public school interests of Texas."

Referred to Committee on Education.

By Mr. Enderby and Mr. Van Zandt:

H. B. No. 469. A bill to be entitled "An Act to further regulate the issuance of securities by counties, incorporated cities or towns, by amending Article 701 of the Revised Civil Statutes of 1925."

Referred to Committee on Banks and Banking.

By Mr. Keller:

H. B. No. 470. A bill to be entitled "An Act amending Article 810 of the Penal Code of the State of Texas, so as to make operating a motor vehicle without a pair of motor plates a misdemeanor."

Referred to Committee on Criminal Jurisprudence.

By Mr. Keller:

H. B. No. 471. A bill to be entitled "An Act making the parking of a motor vehicle upon a public highway outside the corporate limits of a city without lights burning a misdemeanor."

Referred to Committee on Criminal Jurisprudence.

By Mr. McCombs:

H. B. No. 472, A bill to be entitled "An Act to amend Article 1430 of the Penal Code, so as to provide more adequately for the trial and punishment of receivers of stolen property."

Referred to Committee on Criminal Jurisprudence.

By Mr. Young:

H. B. No. 473, A bill to be entitled "An Act making an appropriation to pay the mileage and per diem of the presidential electors of Texas for the year 1929."

Referred to Committee on Appropriations.

By Mr. Bradley and Mr. Cox of Navarro:

H. B. No. 474, A bill to be entitled "An Act requiring every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home or child-placing agency or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee and under such rules and regulations as said board shall prescribe, requiring every such place or institution who shall place out or give to any person the care or custody of any such child, to keep and preserve a record of the full name, the actual or apparent age, and names and residence of the parents of such child so far as known, and the name and residence of the person with whom such child is placed."

Referred to Committee on Labor.

By Mr. Bradley:

H. B. No. 475, A bill to be entitled "An Act to create the office of State Electrical Inspector to be attached to the fire division of the Board of Insurance Commissioners of the State of Texas; providing for his appointment."

Referred to Committee on Labor.

By Mr. McCombs:

H. B. No. 476, A bill to be entitled "An Act suspending all rules and forms of pleading, practice and procedure in civil cases enacted by the Legislature and substituting for them rules and

forms prescribed by the Supreme Court of Texas."

Referred to Judiciary Committee.

By Mr. Woodall:

H. B. No. 477, A bill to be entitled "An Act prohibiting the shooting or killing of wild duck, geese, brant and other water fowl in Harrison, Marion and Cass counties, in the State of Texas, and upon or in the waters of Caddo Lake and its tributaries located in said counties, at any time of the year whatsoever between the hours of 12 o'clock noon each day and sunrise of the following day, declaring the violation thereof to be a misdemeanor."

Referred to Committee on Game and Fisheries.

By Mr. Purl:

H. B. No. 478, A bill to be entitled "An Act to amend Article 5160 of the Revised Statutes of 1925, as amended by the Act of 1927, First Called Session, page 114, Chapter 39, Section 1, and to provide that any person or persons or corporation entering into a formal contract with the State, or its counties, or school district, or other subdivisions thereof, or any municipality therein, for the construction of any public building or the prosecution and completion of any public work, shall be required, before commencing such work, to execute the usual penal bond, with the additional obligation that such contractor shall promptly make payment to all persons supplying him or them with labor and material in the prosecution of the work provided for in such contract."

Referred to Committee on Insurance.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Pope of Jones, Senate bill No. 85 was ordered not printed.

On motion of Mr. Heaton, House bill No. 404 was ordered not printed.

#### BILLS ORDERED PRINTED.

On motion of Mr. Holder, House bill No. 220, reported adversely with a minority favorable report, was ordered printed.

On motion of Mr. Keller, House bill No. 200, reported adversely with a minority favorable report, was ordered printed.

Mr. Quinn moved that House bill No. 15, reported adversely with a minority favorable report, be printed.

Mr. Woodall moved to table the motion.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—37.

Anderson.	Mosely.
Bond.	Mullally.
Coltrin.	Pavlica.
Cox of Limestone.	Petsch.
Ewing.	Richardson.
Finlay.	Shipman.
Gilbert.	Sinks.
Hardy.	Stephens.
Heaton.	Stevenson.
Hines.	Storey.
Johnson of Scurry.	Strong.
Land.	Thurmond.
Long of Wichita.	Turner.
Loy.	Van Zandt.
Mankin.	Walters.
Mauritz.	Warwick.
Maynard.	Williams
McCombs.	of Travis.
McGill.	Woodall.

Nays—65.

Ackerman.	Kincaid.
Albritton.	Long of Houston.
Avis.	McDonald.
Baker.	Mehl.
Barnett.	Minor.
Bateman.	Murphy.
Bounds.	Negley.
Bradley.	Nicholson.
Carpenter.	Olsen.
Conway.	O'Neill.
Cox of Navarro.	Palmer.
Cox of Lamar.	Pope of Jones.
Davis.	Purl.
Enderby.	Quinn.
Eickenroht.	Ray.
Finn.	Reader.
Forbes.	Reid.
Giles.	Renfro.
Graves.	Rountree.
of Williamson.	Sanders.
Graves of Erath.	Savage.
Harding.	Sherrill.
Harper.	Simmons.
Hogg.	Smith.
Holder.	Snelgrove.
Hubbard.	Speck.
Jenkins.	Tarwater.
Johnson	Tillotson.
of Dimmit.	Veatch.
Johnson of Smith.	Wallace.
Jones.	Williams
Keeton.	of Sabine.
Keller.	Woodruff.
Kennedy.	Young.

Present—Not Voting.

Brice.	Harrison.
DeWolfe.	

Absent.

Baldwin.	Lemens.
Beck.	McKean.
Chastain.	Metcalf.
Dunlap.	Montgomery.
Duvall.	Moore.
Fuchs.	Patterson.
Gates.	Pool.
Gerron.	Prendergast.
Hefley.	Thompson.
Hopkins.	Waddell.
Hornaday.	Webb.
King.	White.
Lee.	

Absent—Excused.

Acker.	Morse.
Adkins.	Pope of Nueces.
Brooks.	Rogers.
Harman.	Shaver.
Justiss.	Shelton.
Kayton.	Westbrook.
Kemble.	Wiggs.
Kenyon.	Williams
Kinnear.	of Hardin.
Martin.	

Question then recurring on the motion to print the bill, it prevailed.

#### RELATING TO REMOVING CERTAIN LIGHTS FROM CAPITOL.

Mr. McCombs offered the following resolution:

Whereas, The State Capitol building is architecturally perfect and one of the most beautiful buildings in the Western Hemisphere, and in the words of the immortal Keats, "is a joy forever"; and

Whereas, It is equal, if not superior, in beauty to those architectural gems of the Old World, to wit:

Temple of Possidon at Paestum.  
Maison Carree at Nimes.  
Mosque of St. Sophia at Constantinople,  
Campanille at Pisa,  
St. Mark's at Venice,  
Amiens Cathedral,  
Burgos Cathedral,  
St. Paul's at London,  
St. Peter's at Rome,  
Vendiamini Palace at Venice,  
Wollaton Hall,  
Hampton Court; and

Whereas, The line of the Capitol building and the entire effect of the whole structure are a constant inspiration to all who may look upon it; and

Whereas, It is equipped with a splendid system of flood lights, which bring out all the beauty of the dome after the shades of night have fallen; and

Whereas, Some unthinking person, whose soul does not respond to beauty, has attached to the front of the said building a tawdry neon gas sign in the shape of a star (which is, can and has been mistaken for the trade-mark of a well known petroleum refining company) and which sign is in glaring, harsh colors, which are ugly to look upon and which outrage the aesthetic sense of a cultivated man, and which smacks of an effort to paint the lily and to gild the rose, and which is a cancerous growth upon the otherwise matchless beauty of our Capitol building; therefore be it

Resolved by the House of Representatives, That it is the sense of this House that the sign be removed; and we, here and now, request the Board of Control to remove the sign at the earliest convenient time.

Signed—Beck, McCombs.

The resolution was read second time.

Mr. Quinn moved to table the resolution and the motion to table was lost.

Question recurring on the resolution, it was adopted.

#### COMMUNICATION TO HON. P. L. ANDERSON IN REGARD TO ALAMO.

The Speaker laid before the House and had read the following communication from the State Association of Texas Pioneers:

San Antonio, Texas, January 25, 1929.

Mr. P. L. Anderson, House of Representatives, Austin, Texas.

Dear Mr. Anderson: This is to advise you that the State Association of Texas Pioneers is heartily in favor of your bill to purchase the property surrounding the Alamo and have the State hold it in perpetuity as a memorial park.

The State Association of Texas Pioneers is an organization of eighteen hundred members comprised of pioneer settlers of Texas, or their descendants. The purpose of the society is the preservation of historic places and the exploitation of Texas history. At the last annual meeting which was held in San Antonio on April 16, 1928, the following resolution was passed:

"Therefore be it resolved by the State Association of Texas Pioneers, That we deem it the patriotic duty of the people of Texas to acquire, restore and preserve for future generations the grounds and buildings which mark the spots where zealous missionaries labored to

Christianize the savage Indian and where patriotic heroes unselfishly gave their lives in defense of the fundamental principles of free government; and to the achievement of these ends we appeal to the present State administration to formulate plans to acquire and restore the old Franciscan Missions in Texas, many of which are falling to decay, and to acquire all the privately owned property in the block surrounding the Alamo, so that this sacred ground shall be forever removed from the possibility of commercial use and be maintained as a memorial of those who there laid down their lives that Texas might be free; be it further

"Resolved by this Association, That we commend Governor Moody for his appointment of the commission to investigate and report upon the purchase of the privately owned property surrounding the Alamo and heartily endorse the report made by said commissioners, and we petition the Governor and the next Legislature of Texas to take the necessary steps and make proper appropriation to carry into effect the recommendation of said commission that the State purchase the balance of privately owned property in the Alamo block."

I will thank you to have the above resolution filed with the memorials in favor of your bill, and if there is any further assistance our Association may render you, please be kind enough to advise us.

FRANK H. BUSHICK,  
President.

#### OATH OF OFFICE ADMINISTERED.

The Speaker announced that Hon. A. J. McKean, Representative from Caldwell county, was within the bar of the House and that the constitutional oath of office would now be administered to him.

Hon. A. J. McKean having been escorted to the Speaker's stand was then administered the constitutional oath of office.

Speaker Barron then presented Mr. McKean to the House.

Mr. McKean then addressed the House.

#### PROVIDING FOR REPAIRING GALLERY OF THE HOUSE.

Mr. Purl offered the following resolution:

Whereas, The Senate Chamber, Hall of the House of Representatives, the reception and committee rooms, galleries,

etc., belonging thereto have recently been refinished and put in a splendid condition, save and except the galleries of the House of Representatives, in which the linoleum is worn out, unsightly and unsanitary; therefore, be it

Resolved, That the Committee on Contingent Expenses be and is hereby instructed to have new linoleum laid in the galleries of the House of Representatives, the cost of same to be paid out of the contingent expense fund of the House.

The resolution was read second time and was adopted.

#### COMMUNICATION FROM THE BOARD OF CONTROL.

The Speaker laid before the House and had read the following communication:

State Board of Control,  
Austin, Texas, January 16, 1929.

Honorable W. S. Barron, Speaker, House of Representatives, Forty-first Legislature, Austin, Texas.

Dear Sir: Inasmuch as there has been considerable criticism in certain quarters, and in the public press of the State, of the State Board of Control, and of me in particular as a member thereof, speaking for myself as a member, I would welcome an investigation of any and all records of this office by a committee appointed by you or by any other competent authority.

Yours truly,

R. I. TENNANT.

#### PROVIDING FOR COMMITTEE TO INVESTIGATE HIGHWAY DEPARTMENT.

Mr. Gerron offered the following resolution:

H. C. R. No. 9, Providing for the investigation of the State Highway Department and the Board of Control of the State of Texas, and the administration thereof by a joint committee of the Senate and House of Representatives of the State of Texas appointed therefor, and defining the powers and duties of said committee and make the appropriation for mileage and per diem and contingent fund for the payment of the expenses of said committee.

Whereas, The State Highway Department of Texas expends more money than all the rest of our government agencies combined, and during the past two years, it has been charged with misconduct and other irregularities, and the present Highway Department and the

State Board of Control have engaged in a controversy relative to the purchasing of road equipment necessities, and materials, and during this time, various charges and statements have been made by members and employees of both departments;

Whereas, The following charges have been made against the State Highway Department of Texas:

1. Usurpation of authority by highway and maintenance engineers in matter of recommendation and urging purchase of machinery, a purpose for which the equipment engineer is particularly and specifically employed.

2. Inexcusable incompetency and extravagance in purchase of more than \$150,000 of road machinery in what is known as the \$1,300,000.00 machinery buy in 1927.

3. Inexcusable and illegal waste of \$10,389.00 worth of wheels, without competitive bids, by Leo Ehlinger, maintenance engineer—this purchase made September, 1927.

4. Improper leasing of road machinery from various counties, the State having at present approximately 150 pieces of machinery leased from various counties.

5. Leasing road machinery, particularly a number of rock crushers, to firms and individuals for use on private jobs. This rental money paid to the State for use of these machines being less than actual depreciation, and the renting of State machinery to private persons for any sum being illegal.

6. Inexcusable extravagance in purchasing two rock crushers during 1928, at a time when the State had three rock crushers leased to private concerns, and two new crushers, neither of them ever used, lying idle, one of them piled on the prairie near Monahans, Texas.

7. Persistent and inexcusable demand of the highway engineer that several thousand dollars worth of tractors be bought at a certain price, when the price has been greatly reduced, and the highway engineer so informed.

8. Insistence of the Highway Department that a contract be made with the Texas Company for purchase of oil and gasoline at a price much in excess of the price for which a competing concern would furnish such gasoline and oil.

9. Rank favoritism in allotting more than \$6,200,000.00 to Harris county, and ten other counties in that immediate area, covering a period of eighteen months, from January 1, 1927, to July 1, 1928, while other 242 counties in



Texas received in contract allotments during the same period only a little more than \$15,000,000.00.

10. Apparent conspiracy between R. A. Thompson, former highway engineer, and at time of appointment, member of the engineering firm of J. M. Nagle and R. A. Thompson of Dallas, Texas, and engineering firm of Nagle, Witt, Rollins and Gilchrist, also of Dallas, whereby said Thompson in reality served as highway engineer, pending securing of contracts as county engineers for various counties by the engineering firm of Nagle, Witt, Rollins and Gilchrist, and improper awarding of contract allotment aggregating approximately \$3,000,000.00 by the Highway Department to counties for which said engineering firm of Nagle, Witt, Rollins and Gilchrist had secured contracts as county engineers, these contract allotments made after said Gilchrist had succeeded Thompson as highway engineer.

11. "Borrowing an engineer" from a certain material concern while Thompson was highway engineer, and continuance of employment of said engineer under Gibb Gilchrist to the present time, at a present reputed salary of \$4,800.00. That said "engineer" had never had any experience as an engineer, and is now on the payroll as "inspector of aid projects"; that the material concern for whom this engineer formerly worked as a traveling salesman has secured large material contracts from the State during the incumbency of the present commission, and that party is in reality a salesman for the said material selling concern, drawing his salary from the State, instead of drawing it from his real employers.

12. Rank extravagance and incompetency in purchase of five "Model A5 Kenney Road Rollers" at a price of \$1,433.78 each, these alleged road rollers being nothing other than common Fordson tractors, with a fictitious name, the wheels filled with concrete and chunks of iron and metal to give the machines weight, the rollers being nothing other than large pulley wheels, the false wheels going to pieces after a few hours use, while real Fordson tractors were purchased at the same time the "Model A5 Kenney Road Rollers" were purchased, these Fordson tractors costing only \$420.00 each.

13. Party was discharged for padding his expense account while working in Edwards county following cyclone. Instead of this party being prosecuted for his offense, he was immediately

given a more profitable position as some kind of inspector.

14. Paying \$.60 per yard more than contract price for crushed rock.

15. Paying private concern approximately \$3,000.00 for rent on asphalt distributor that was in reality owned by the State, and discharge of inspector who discovered real ownership of said distributor, and who instituted proper proceedings to recover.

16. Attempting to award a gravel contract amounting to \$70,000.00 on only one bid. Compelled to ask for competitive bids, with result that State saved more than \$10,000.00 had the requested purchase at \$70,000.00 been permitted to stand.

17. Attempted purchase of gravel on two bids for identically the same amount, \$22,200.28, both bids being rejected as no proof was produced to show that either bid was genuine.

18. Requesting purchase of thousands of dollars worth of road machinery at prices far in excess of price paid by Highway Departments of other States.

19. Paying thousands of dollars in freight on machinery when, in fact, the price made the State covered freight to designated points in the State.

20. Buying thousands of dollars worth of bolts at one time, at no discount price by reason of such enormous quantity, such quantity being far in excess of the needs of the department for a period of many years.

21. Failure to advertise for competitive bids on construction work, thus giving advantages to favorites to the probable detriment of the State.

22. Permitting certain employees to "loaf on the job" and then put in overtime, for which excessive charges are made.

And many other serious offenses not herein mentioned, but which can be fully proven by competent testimony before a proper tribunal.

Whereas, The following charges have been made against the State Board of Control of Texas:

1. Permitting purchase of worthless machinery at exorbitant prices.

2. Improperly allowing two months' salary to be paid to relative of member of Board of Control, this particular person being confined to his bed in the insane asylum at San Antonio during entire time for which monthly salary was allowed as an employee.

3. Permitting working of insane patients in San Antonio asylum, these patients grubbing and clearing land owned by an official connected with

said asylum. These patients received no compensation for their labor. State furnished all supplies, all guards and attendants, did all hauling of supplies and wood when grubbed, the State paying an excessive price for said wood.

4. Paying in full for fire escape at Austin State Hospital, this fire escape not according to contract and never having been completed to this day.

And many other charges, not herein specifically alleged, but all of which it is believed can be positively proven.

Whereas, It is necessary that the Legislature have all the facts in connection with the transactions which have occurred between the Highway Department and the Board of Control; and

Whereas, The people of Texas are expecting this Legislature to make a thorough investigation of both of these departments;

Whereas, In the light of all that has transpired, it is necessary, in the interest of the public welfare, that an investigation be made into all matters pertaining to the action and conduct of the State Highway Department and the Board of Control of Texas; now, therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring:

Section 1. That a committee of seven members of the House of Representatives and Senate be appointed; four thereof to be appointed by the Speaker of the House of Representatives and three members thereof to be appointed by the President of the Senate, whose duty it shall be to conduct an investigation into the affairs of the Highway Department of this State and the Board of Control of this State, and the administration thereof, and to investigate each and every act of the three Highway Commissioners of the Highway Department and of each member of the Board of Control as constituted for the past three years, and to investigate all matters pertaining to said offices as may in the judgment of said committee be necessary and proper for the promotion of public welfare.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours for meeting and adjourning; said committee shall sit in the Capitol at Austin during its sessions, and sessions of said committee shall be open to the public except at such times as the committee by a majority vote may determine to hold an executive session. The chairman of said

committee shall be elected by a majority vote of the members of said committee, and the committee shall appoint its own secretary and employees and its sergeant-at-arms.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments, which may be addressed to and served by either the sergeant-at-arms appointed by said committee, or any sheriff or any constable of this State. Said committee shall have power to inspect and make copy of any books, records and files of the State Highway Department or the Board of Control, or the Commissioners thereof, or the members of the Board of Control, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with the Highway Department, the Commissioners thereof, or any employee or appointee of said office. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses, and the committee shall further have all powers necessary in order to accomplish the purpose for which it is appointed.

Sec. 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigation.

Sec. 6. That said committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon the request of the chairman or members of said committee.

Sec. 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-first Legislature. The compensation and expenses herein provided for incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Regular Session of the

Forty-first Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Regular Session of the Forty-first Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendations of any legislation that should be enacted or other action that should be taken.

The resolution was read second time.

Mr. Petsch offered the following amendment to the resolution:

Add the following paragraph at the end of the "resolved" clauses, to-wit:

"Be it further resolved, That the author of this resolution be made a member of the committee, and that the remaining House members be selected solely from those parties who have expressed themselves as being opposed to the present Highway Department operations."

Mr. Purl moved that the House suspend the twenty-minute rule relating to consideration of resolutions.

The motion prevailed by the following vote:

Yeas—114.

Ackerman.	Giles.
Albritton.	Graves
Anderson.	of Williamson.
Avis.	Graves of Erath.
Baker.	Hardy.
Barnett.	Harding.
Bateman.	Harman.
Beck.	Harper.
Bond.	Harrison.
Bounds.	Heaton.
Bradley.	Hefley.
Brice.	Hines.
Carpenter.	Hogg.
Chastain.	Holder.
Coltrin.	Hopkins.
Conway.	Hornaday.
Cox of Lamar.	Hubbard.
Cox of Limestone.	Jenkins.
Davis.	Johnson
DeWolfe.	of Dimmit.
Dunlap.	Johnson of Smith.
Duvall.	Johnson of Scurry.
Enderby.	Jones.
Ewing.	Keller.
Eickenroht.	Kennedy.
Finn.	Kincaid.
Forbes.	Lee.
Fuchs.	Lemens.
Gerron.	Long of Houston.
Gilbert.	Long of Wichita.

Loy.	Rountree.
Mankin.	Sanders.
Mauritz.	Savage.
McCombs.	Sherrill.
McDonald.	Shipman.
McGill.	Simmons.
Mehl.	Smith.
Metcalfe.	Snelgrove.
Minor.	Speck.
Montgomery.	Stephens.
Moore.	Stevenson.
Mosely.	Storey.
Mullally.	Strong.
Murphy.	Thurmond.
Negley.	Tillotson.
Olsen.	Turner.
O'Neill.	Veatch.
Palmer.	Waddell.
Patterson.	Wallace.
Pavlica.	Walters.
Petsch.	Warwick.
Pool.	Webb.
Pope of Nueces.	White.
Prendergast.	Williams
Purl.	of Sabine.
Ray.	Woodall.
Reid.	Woodruff.
Renfro.	Young.
Richardson.	

Nays—3.

Finlay.	Van Zandt.
Sinks.	

Absent.

Baldwin.	Nicholson.
Cox of Navarro.	Pope of Jones.
Gates.	Quinn.
Keeton.	Reader.
King.	Tarwater.
Land.	Thompson.
Maynard.	Williams
McKean.	of Travis.

Absent—Excused.

Acker.	Morse.
Adkins.	Rogers.
Brooks.	Shaver.
Justiss.	Shelton.
Kayton.	Westbrook.
Kemble.	Wiggs.
Kenyon.	Williams
Kinnear.	of Hardin.
Martin.	

Mr. Purl moved a call of the House for the purpose of maintaining a quorum pending consideration of the resolution, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall

without written permission from the Speaker.

The roll was called and the following members answered to their names:

Mr. Speaker.	Kincaid.
Ackerman.	Land.
Albritton.	Long of Houston.
Anderson.	Long of Wichita.
Avis.	Loy.
Baker.	Mankin.
Baldwin.	Mauritz.
Barnett.	McCombs.
Bateman.	McDonald.
Beck.	McGill.
Bond.	McKean.
Bounds.	Mehl.
Brice.	Metcalfe.
Carpenter.	Minor.
Chastain.	Montgomery.
Coltrin.	Moore.
Conway.	Mosely.
Cox of Navarro.	Mullally.
Cox of Lamar.	Murphy.
Cox of Limestone.	Negley.
Davis.	Olsen.
DeWolfe.	O'Neill.
Dunlap.	Palmer.
Duvall.	Pavlica.
Enderby.	Petsch.
Ewing.	Pool.
Eickenroht.	Pope of Jones.
Finn.	Pope of Nueces.
Finlay.	Prendergast.
Forbes.	Purl.
Fuchs.	Quinn.
Gerron.	Ray.
Gilbert.	Reader.
Giles.	Reid.
Graves	Renfro.
of Williamson.	Richardson.
Graves of Erath.	Rountree.
Hardy.	Sanders.
Harding.	Savage.
Harman.	Sherrill.
Harper.	Shipman.
Harrison.	Sinks.
Heaton.	Smith.
Hefley.	Snelgrove.
Hines.	Stephens.
Hogg.	Stevenson.
Holder.	Storey.
Hopkins.	Strong.
Hornaday.	Tarwater.
Hubbard.	Thurmond.
Jenkins.	Tillotson.
Johnson	Turner.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Jones.	Wallace.
Justiss.	Walters.
Kayton.	Warwick.
Keller.	Webb.
Kemble.	White.
Kennedy.	

Williams  
of Sabine.  
Williams  
of Travis.

Woodall.  
Woodruff.  
Young.

Absent.

Bradley.  
Gates.  
Keeton.  
King.  
Lee.  
Lemens.  
Martin.

Maynard.  
Nicholson.  
Patterson.  
Simmons.  
Speck.  
Thompson.

Absent—Excused.

Acker.  
Adkins.  
Brooks.  
Kenyon.  
Kinnear.  
Morse.  
Rogers.

Shaver.  
Shelton.  
Westbrook.  
Wiggs.  
Williams  
of Hardin.

A quorum was announced present.

On motion of Mr. Cox of Lamar, all absent members in the city who are not ill were ordered brought in.

(Mr. Storey in the chair.)

Mr. Metcalfe raised a point of order on further consideration of the amendment on the ground that the amendment is not germane to the resolution.

The Speaker sustained the point of order.

Mr. McCombs appealed from the ruling of the Chair, and the appeal was not seconded.

(Speaker in the chair.)

Mr. Beck offered the following amendment to the resolution:

"Provided, that said committee shall make its full report to this Legislature within two weeks from date of its passage."

On motion of Mr. Woodall, the amendment was tabled.

Mr. McCombs offered the following amendment to the resolution:

Amend the resolution by adding at appropriate place:

"Provided, however, that said committee shall report its findings to the House within thirty days."

On motion of Mr. Holder, the amendment was tabled.

Mr. Kemble moved the previous question on the pending resolution, and the main question was ordered.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—104.

Ackerman.	Lemens.
Albritton.	Long of Houston.
Anderson.	Long of Wichita.
Avis.	Mankin.
Baker.	McDonald.
Barnett.	McGill.
Bateman.	McKean.
Bond.	Mehl.
Bounds.	Metcalfe.
Brice.	Minor.
Carpenter.	Montgomery.
Chastain.	Mosely.
Coltrin.	Mullally.
Conway.	Olsen.
Cox of Lamar.	O'Neill.
Cox of Limestone.	Palmer.
Davis.	Patterson.
DeWolfe.	Pavlica.
Duvall.	Petsch.
Enderby.	Pope of Nueces.
Ewing.	Prendergast.
Eickenroht.	Purl.
Finn.	Ray.
Finlay.	Reader.
Forbes.	Renfro.
Gerron.	Richardson.
Gilbert.	Rountree.
Giles.	Sanders.
Graves of Erath.	Savage.
Hardy.	Sherrill.
Harding.	Shipman.
Harman.	Speck.
Harper.	Stephens.
Harrison.	Stevenson.
Heaton.	Storey.
Hefley.	Strong.
Hines.	Tarwater.
Hogg.	Thurmond.
Holder.	Tillotson.
Hopkins.	Van Zandt.
Hornaday.	Veatch.
Jenkins.	Wallace.
Johnson	Walters.
of Dimmit.	Warwick.
Johnson of Smith.	Webb.
Johnson of Scurry.	White.
Justiss.	Williams
Keeton.	of Sabine.
Keller.	Williams
Kemble.	of Travis.
Kennedy.	Woodall.
Kincaid.	Woodruff.
King.	Young.
Lee.	

## Nays—23.

Baldwin.	Land.
Beck.	Mauritz.
Bradley.	Maynard.
Fuchs.	McCombs.
Graves	Moore.
of Williamson.	Murphy.
Hubbard.	Negley.
Jones.	Nicholson.
Kayton.	Pope of Jones.

Quinn.  
Simmons.  
Sinks.

Smith.  
Turner.  
Waddell.

## Absent.

Cox of Navarro.	Pool.
Dunlap.	Reid.
Gates.	Snelgrove.
Loy.	Thompson.

## Absent—Excused.

Acker.	Rogers.
Adkins.	Shaver.
Brooks.	Shelton.
Kenyon.	Westbrook.
Kinnear.	Wiggs.
Martin.	Williams
Morse.	of Hardin.

## CORRECTION OF STANDING COMMITTEE ANNOUNCED.

The Speaker ordered the following correction made in the personnel of the Committee on Oil, Gas and Mining:

Mr. Long of Wichita on this committee instead of Mr. Moseley.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, January 28, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills and resolutions:

S. B. No. 113, A bill to be entitled "An Act to amend Articles 2669, 2670, 2671, 2672 and 2673 of Chapter 10, Title 49, of the Revised Civil Statutes of the State of Texas of 1925, relating to the investment of the permanent school fund by the State Board of Education by providing for the purchase by said Board of bonds of the United States, the State of Texas, the bonds of counties of the State of Texas, the bonds of the independent school districts of Texas, and of the common school districts of said State, and the bonds of any incorporated city or town, and the bonds of road precincts of any county of the State of Texas, and the bonds of any drainage, irrigation, navigation and levee districts of any county or counties of Texas, and the obligations and pledges of the University of Texas."

S. B. No. 130, A bill to be entitled "An Act providing for nine members of the Board of Regents of the State

Teachers Colleges instead of six members; and declaring an emergency."

S. B. No. 216, A bill to be entitled "An Act repealing Article 1269 of the Revised Civil Statutes of the State of Texas of 1925, and declaring an emergency."

S. B. No. 262, A bill to be entitled "An Act making it the duty of all persons, firms or corporations engaged in the business of selling dynamite to keep books showing the disposition of said dynamite, the person to whom it is sold, his correct address, the amount sold, the date of the sale, and requiring that the books be kept open to inspection by any officer charged with the duty of enforcing the criminal laws of this State, and fixing the penalty for the violation of the provisions of this act, and declaring an emergency."

H. C. R. No. 6, Requesting the judiciary of Texas to reset or continue all cases in which any member of the Legislature is a counsel in.

H. C. R. No. 8, Authorizing leave of absence be granted the Hon. Joseph Jones, judge of the Sixty-third Judicial District of Texas.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

(Mr. Woodall in the chair.)

#### RELATING TO REGULATING PUBLIC UTILITIES.

The Speaker laid before the House, for consideration at this time, House concurrent resolution No. 7, by Mr. Petsch, relating to regulating public utilities, the resolution having been read second time on Friday, January 25.

Mr. Tillotson raised a point of order on further consideration of the resolution on the ground that under the rules of the House the resolution is out of order because it violates the Constitution and the Rules of the House.

The Speaker sustained the point of order.

#### RELATING TO PUBLIC UTILITIES.

On motion of Mr. Keller, the following communication was ordered printed in the Journal:

Whereas, It has come to our knowledge that there has been introduced in the Senate and referred to the Committee on State Affairs Senate bill No. 129, which provides regulations on public utilities in the State, including all public utilities municipally owned, or otherwise, and placing all such public utili-

ties under the control of the Railroad Commission; and

Whereas, It appears from said proposed act that it proposes to take our waterworks system, which is owned by the city of Dallas, and has been for more than a quarter of a century, and place it under the control of the Railroad Commission, as well as to take from the city of Dallas its power of regulation under franchise duly granted and accepted by and between the Dallas Gas Company, the Dallas Light and Power Company and the Dallas Railway and Terminal Company, and other corporations, and place all of them and our relation thereafter under the Railroad Commission; and

Whereas, We deem the proposed bill or act to be inimical to the rights of the city of Dallas and an unwarranted usurpation of authority over home rule cities, as well as a bold attempt to take from the city of Dallas its power of a home rule government, and its local control over public corporations using the streets of the city of Dallas, and to place our waterworks system, which represents an aggregate wealth of more than \$15,000,000, beyond our immediate control; and

Whereas, It is our desire that all citizens of the city of Dallas be aroused to the importance of this pernicious piece of legislation; now, therefore, be it

Resolved, by the Mayor and Board of Commissioners of the city of Dallas:

1. That we protest, in the name of the city of Dallas and its people, against the passage of this bill involving the substantial legal rights of the city of Dallas, and we call on all the properly minded citizens of the city of Dallas and the newspapers of the city of Dallas to join us in memorializing the Legislature of the State and ask them to enter our protest against the said bill; and we particularly call upon the Representatives of Dallas county in the House, as well as in the Senate, to give their undivided efforts in securing the defeat of this bill in so far as it affects the rights of the city of Dallas and its ownership of its waterworks system, and the rights of the city of Dallas growing out of service-at-cost franchises and its relationship to public corporations thereunder; be it further

Resolved, That the mayor, or any member of the board of commissioners, and the city attorney, are hereby directed to take all necessary steps to present the rights of the city of Dallas before the said Legislature and to protest in the name of the city of Dallas

against the inclusion of the city of Dallas in any such rate regulation bill. We furthermore direct that the city secretary send a certified copy of this resolution to each member of the Dallas county delegation in the House and Senate.

In this connection we are advised that the following States which have created utility commissions have eliminated municipalities therefrom, namely, Alabama, Arkansas, Connecticut, Idaho, Illinois, Louisiana, Michigan, New Hampshire, New Jersey, North Carolina, Tennessee, Virginia, Washington and some others not listed herein.

2. That this resolution shall take effect from and after its passage, as provided by the charter.

R. E. BURT, Mayor.

Adopted.

State of Texas, County of Dallas,  
City of Dallas.

I, Earl Goforth, city secretary of the city of Dallas, Texas, do hereby certify that the above and foregoing resolution was passed by the Board of Commissioners of the city of Dallas, Texas, on January 23, 1929.

Witness my hand and the seal of the city of Dallas, Texas, this the 23rd day of January, A. D. 1929.

(Seal) EARL GOFORTH,  
City Secretary of Dallas, Texas.

#### HOUSE BILL NO. 17 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 17, A bill to be entitled "An Act to amend Article 2094, Article 2095 and Article 2096 of the Revised Statutes of 1925, relating to the selection of jurors; amending Article 2094 of the Revised Statutes, 1925, providing for the appointment of jury commissioners to select jurors in certain counties."

The bill was read second time.

Mr. Harman offered the following amendment to the bill:

Amend House bill No. Seventeen (17), Section One (1), line twenty-eight (28), by striking out the word "aggregating."

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend House bill Number Seventeen (17), Section One (1), line twenty-seven (27), by inserting between the words "counties" and "having" the following: "Having a population of 58,000 or more people, or."

The amendment was adopted.

House bill No. 17 was then passed to engrossment.

#### HOUSE BILL NO. 17 ON THIRD READING.

Mr. Harman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Ackerman.	Lemens.
Albritton.	Long of Houston.
Anderson.	Long of Wichita.
Avis.	Mankin.
Baker.	Mauritz.
Baldwin.	Maynard.
Bateman.	McDonald.
Beck.	McGill.
Bond.	McKean.
Bounds.	Mehl.
Bradley.	Metcalfe.
Brice.	Moore.
Carpenter.	Mosely.
Chastain.	Mullally.
Coltrin.	Negley.
Conway.	Olsen.
Cox of Navarro.	Pavlica.
Cox of Limestone.	Petsch.
Davis.	Pope of Jones.
DeWolfe.	Pope of Nueces.
Dunlap.	Prendergast.
Duvall.	Quinn.
Enderby.	Ray.
Ewing.	Reader.
Finn.	Reid.
Finlay.	Renfro.
Forbes.	Richardson.
Fuchs.	Rountree.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Sherrill.
Graves of Erath.	Shipman.
Hardy.	Simmons.
Harding.	Sinks.
Harman.	Smith.
Heaton.	Snelgrove.
Hefley.	Speck.
Hopkins.	Stevenson.
Hornaday.	Storey.
Jenkins.	Tarwater.
Johnson	Tillotson.
of Dimmit.	Turner.
Johnson of Smith.	Van Zandt.
Johnson of Scurry.	Veatch.
Jones.	Waddell.
Justiss.	Wallace.
Kayton.	Walters.
Keeton.	Warwick.
Kincaid.	Webb.
Land.	White.
Lee.	

Williams of Sabine. Woodruff.  
Young.

Nays—3.

Kennedy. Stephens.  
King.

Present—Not Voting.

Thurmond.

Absent.

Barnett.	Minor.
Cox of Lamar.	Montgomery.
Eickenroht.	Morse.
Gates.	Murphy.
Gerron.	Nicholson.
Gilbert.	O'Neill.
Harper.	Palmer.
Harrison.	Patterson.
Hines.	Pool.
Hogg.	Purl.
Holder.	Strong.
Hubbard.	Thompson.
Keller.	Williams
Loy.	of Travis.
McCombs.	Woodall.

Absent—Excused.

Acker.	Rogers.
Adkins.	Shaver.
Brooks.	Shelton.
Kemble.	Westbrook.
Kenyon.	Wiggs.
Kinnear.	Williams
Martin.	of Hardin.

The Speaker then laid House bill No. 17 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—101.

Ackerman.	Ewing.
Albritton.	Eickenroht.
Anderson.	Finn.
Baker.	Finlay.
Baldwin.	Forbes.
Bateman.	Fuchs.
Beck.	Giles.
Bond.	Graves of Erath.
Bounds.	Hardy.
Bradley.	Harding.
Brice.	Harman.
Carpenter.	Harrison.
Chastain.	Heaton.
Coltrin.	Hefley.
Cox of Navarro.	Hines.
Cox of Lamar.	Hornaday.
Cox of Limestone.	Jenkins.
Davis.	Johnson
DeWolfe.	of Dimmit.
Enderby.	Johnson of Smith.

Johnson of Scurry.	Richardson.
Jones.	Rountree.
Justiss.	Sanders.
Kayton.	Savage.
Keeton.	Sherrill.
Kennedy.	Shipman.
Kincaid.	Simmons.
Land.	Sinks.
Lee.	Smith.
Lemens.	Snelgrove.
Long of Houston.	Speck.
Maynard.	Stevenson.
McDonald.	Storey.
McGill.	Strong.
McKean.	Tarwater.
Mehl.	Thurmond.
Metcalfe.	Tillotson.
Moore.	Turner.
Mosely.	Van Zandt.
Mullally.	Veatch.
Negley.	Waddell.
Olsen.	Wallace.
Pavlica.	Walters.
Petsch.	Warwick.
Pope of Jones.	Webb.
Pope of Nueces.	White.
Prendergast.	Williams
Quinn.	of Sabine.
Ray.	Woodall.
Reader.	Woodruff.
Reid.	Young.
Renfro.	

Nays—3.

Avis.	Stephens.
King.	

Absent.

Barnett.	Loy.
Conway.	Mankin.
Dunlap.	Mauritz.
Duvall.	McCombs.
Gates.	Minor.
Gerron.	Montgomery.
Gilbert.	Murphy.
Graves	Nicholson.
of Williamson.	O'Neill.
Harper.	Palmer.
Hogg.	Patterson.
Holder.	Pool.
Hopkins.	Purl.
Hubbard.	Thompson.
Keller.	Williams
Long of Wichita.	of Travis.

Absent—Excused.

Acker.	Rogers.
Adkins.	Shaver.
Brooks.	Shelton.
Kemble.	Westbrook.
Kenyon.	Wiggs.
Kinnear.	Williams
Martin.	of Hardin.
Morse.	



HOUSE BILL NO. 84 ON SECOND  
READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 84, A bill to be entitled "An Act forbidding drinking of intoxicating liquor on any common carrier, and to amend Article 478 of the Criminal Code."

The bill was read second time.

(Speaker in the chair.)

Mr. Woodall offered the following (committee) amendment to the bill:

Amend House bill No. 84 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. That Article 478 of the Penal Code of the State of Texas be, and the same is hereby, amended so as to read as follows:

"Article 478. Whoever shall drink intoxicating liquor in or upon railway passenger train, coach, closet, vestibule or platform connected therewith, while said train or coach is in the service of passenger transportation, or shall drink such liquor on any truck, bus or automobile, airplane or dirigible while same is being operated as a common carrier of passengers, shall be fined not less than ten nor more than one hundred dollars; nothing herein shall prevent the use of such liquor as a stimulant in case of actual sickness of the person using it."

Mr. Wallace offered the following amendment to the (committee) amendment:

Amend committee amendment No. 1 to House bill No. 84 by inserting the following in line 18, between the words "liquor" and "in," "as a beverage."

The amendment was adopted.

The (committee) amendment as amended was then adopted.

Mr. Woodall offered the following (committee) amendment to the bill:

Amend House bill No. 84 by striking out all above the enacting clause and inserting in lieu thereof the following: "An Act to amend Article 478 of the Penal Code of Texas of 1925, so as to make it unlawful for any person to drink liquor on any common carrier."

The amendment was adopted.

House bill No. 84 was then passed to engrossment.

PROVIDING FOR JOINT SESSION  
TO HEAR HIGHWAY RECOM-  
MENDATIONS.

Mr. Gilbert offered the following resolution:

H. C. R. No. 10, Providing for joint session.

Whereas, Certain recommendations have been made and are now ready for presentation to the Forty-first Legislature concerning the highway program, by a committee appointed by the Governor; and

Whereas, Said committee is now in the city and ready to report; therefore, be it

Resolved, That a joint session of the House and Senate be held in the House for said purpose at 4 o'clock this afternoon, the Senate concurring.

Signed—Gilbert, Murphy, Barnett, Hubbard.

The resolution was read second time and was adopted.

## RECESS.

Mr. Albritton moved that the House recess to 1:30 o'clock p. m. today.

Mr. Barnett moved that the House recess to 3:45 o'clock p. m. today.

The motion of Mr. Barnett prevailed, and the House, at 12:05 o'clock p. m., took recess to 3:45 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 3:45 o'clock p. m. and was called to order by the Speaker.

Mr. Kemble moved that the House adjourn until 9:30 o'clock a. m. tomorrow, and the motion was lost.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 28, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 13, Providing for a joint meeting of the House and Senate on January 31st to hear the members of the Penitentiary Commission.

H. B. No. 44, A bill to be entitled "An Act to amend subdivision 32 of Article 199, of Title 8, of the Revised Statutes of the State of Texas, 1925, to change and prescribe the time for hold-

ing district courts of the Thirty-second Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden counties, giving additional time to Howard county, and to conform all writs and process from such courts to such changes and to make all writs and process issued or served before this act takes effect, including recognizances and bonds, returnable to the term of the court in the several counties in said district as therein fixed and to validate the summoning of grand juries and petit juries and providing for the continuation of courts in session in said district when this act takes effect, to the end of its term; provided, that no grand jury shall be drawn for the two weeks' term of court to be held in Nolan county on the 24th Monday after the first Monday in January unless the judge of said court in his discretion shall order same, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. C. R. No. 9, Providing for the investigation of the State Highway Department and the Board of Control.

Senate has refused to pass H. C. R. No. 10, providing for a joint meeting of the House and Senate this afternoon at 4 o'clock to receive information concerning the highway program.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 262, to the Committee on Criminal Jurisprudence.

Senate bill No. 130, to the Committee on Education.

Senate bill No. 113, to the Committee on Education.

Senate bill No. 216, to the Committee on Municipal and Private Corporations.

#### REPORT OF COMMITTEE ON HIGHWAY LEGISLATION.

In accordance with the action heretofore taken by the House to hear a report of the committee appointed by the Governor to consider highway legislation, the Speaker announced the appointment of the following to escort the committee to the Speaker's stand:

Messrs. Hogg, Cox of Navarro and O'Neill.

(Mr. Murphy in the chair.)

The committee having performed their duty, the Speaker presented Governor Moody to the House.

Governor Moody and the following gentlemen then addressed the House:

Hon. Cone Johnson, ex-Governor Hobby, Col. Alvin Ousley and Judge W. O. Huggins.

On motion of Mr. Young, Hon. Lynch Davidson was invited to address the House on highway matters.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Hon. Lynch Davidson to the Speaker's stand:

Messrs. Young, Tillotson and Morse.

The committee having performed their duty, Mr. Davidson addressed the House.

#### ADJOURNMENT.

On motion of Mr. Albritton, the House, at 6 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Criminal Jurisprudence: House bills Nos. 339, 223, 230, 294, 166 and 208.

Live Stock and Stock Raising: House bill No. 283.

Judiciary: Senate bills Nos. 95 and 116; House bills Nos. 245, 276 and 295.

Conservation and Reclamation: House bill No. 157.

Judicial Districts: Senate bill No. 85.

The following committee has today filed adverse report on bill, as follows: House bill No. 69.

##### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, January 18, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 174, A bill to be entitled "An Act validating the creation and organization of San Benito Cameron County Drainage District Number Three, in Cameron county, Texas, as originally created and organized under Article 3, Section 52, of the Constitution of the State of Texas, and validat-

ing the bonds heretofore issued by said district and the contracts made and indebtedness incurred by it; defining its boundaries; providing that said district shall be and is converted and created a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas and the general laws not inconsistent therewith."

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, January 28, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 84, A bill to be entitled "An Act to amend Article 478 of the Penal Code of Texas of 1925, so as to make it unlawful for any person to drink liquor on any common carrier,"

Have carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

## FIFTEENTH DAY.

(Tuesday, January 29, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Enderby.
Ackerman.	Ewing.
Adkins.	Eickenroht.
Albritton.	Finn.
Anderson.	Finlay.
Avis.	Forbes.
Baker.	Fuchs.
Baldwin.	Gerron.
Barnett.	Gilbert.
Bateman.	Giles.
Beck.	Graves
Bond.	of Williamson.
Bounds.	Graves of Erath.
Bradley.	Hardy.
Brice.	Harding.
Carpenter.	Harman.
Chastain.	Harper.
Coltrin.	Harrison.
Conway.	Heaton.
Cox of Navarro.	Hefley.
Cox of Lamar.	Hines.
Cox of Limestone.	Hogg.
Davis.	Holder.
DeWolfe.	Hornaday.
Dunlap.	Hubbard.
Duvall.	Jenkins.

Johnson	Pope of Nueces.
of Dimmit.	Prendergast.
Johnson of Smith.	Purl.
Johnson of Scurry.	Quinn.
Jones.	Reader.
Justiss.	Reid.
Kayton.	Renfro.
Keeton.	Richardson.
Keller.	Rountree.
Kemble.	Sanders.
Kennedy.	Savage.
Kincaid.	Shaver.
King.	Shelton.
Land.	Sherrill.
Lee.	Shipman.
Lemens.	Simmons.
Long of Houston.	Sinks.
Long of Wichita.	Smith.
Loy.	Snelgrove.
Mankin.	Speck.
Mauritz.	Stephens.
Maynard.	Stevenson.
McCombs.	Storey.
McDonald.	Strong.
McGill.	Thompson.
McKean.	Thurmond.
Mehl.	Tillotson.
Metcalfe.	Turner.
Minor.	Van Zandt.
Montgomery.	Veatch.
Moore.	Waddell.
Morse.	Wallace.
Mosely.	Walters.
Mullally.	Warwick.
Murphy.	Webb.
Negley.	Westbrook.
Nicholson.	White.
Olsen.	Wiggs.
O'Neill.	Williams
Palmer.	of Sabine.
Patterson.	Williams
Pavlica.	of Travis.
Petsch.	Woodall.
Pool.	Woodruff.
Pope of Jones.	Young.

Absent—Excused.

Acker.	Martin.
Brooks.	Ray.
Gates.	Rogers.
Hopkins.	Tarwater.
Kenyon.	Williams
Kinnear.	of Hardin.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Kenyon for today, on motion of Mrs. Moore.